

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 7/27/09 Monday Dept: 1A

(Posted 7/23/09)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF8132 [M] DISCOVER BANK v DAVIS
Type: COLLECTIONS Date Filed: 07/24/08
Priority Info: RULE 3.740
Event: OSC RE: JUDGMENT

PLNTFF: DISCOVER BANK ATTY: CIR LAW OFFICES
DEFNDT: DAVIS, JOSEPH F
Service Date/Type: 08/20/08 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 11/23/09.

2. **1:00 PM** Case: CF8135 [M] MIDLAND FUNDING LLC v SALAZAR
Type: COLLECTIONS Date Filed: 07/25/08
Priority Info: RULE 3.740
Event: OSC RE: JUDGMENT

PLNTFF: MIDLAND FUNDING LLC ATTY: THOMAS LAW OFFICES PLLC
DEFNDT: SALAZAR, JOY M
Service Date/Type: 09/08/08 SUB 00/00/00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 11/23/09.

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3. 1:00 PM Case: CF8216 [M] AMCO v BERRI
Type: SUBROGATION Date Filed: 09/15/08
Event: FURTHER CASE MANAGEMENT CONFERENCE
07/29/09 2:00 2 DEFT'S MOTION TO WITHDRAW ADMISSION &
SET ASIDE MONETARY SANCTIONS

PLNTFF: AMCO INSURANCE COMPANY ATTY: GOATES & MCCARTHY
DEFNDT: BERRI, SAM ATTY: YOUNG.WARD ATTORNEYS
Service Date/Type: 10/03/08 SUB Answer Date: 11/10/08
AKA: BERRI, SAMUEL ALLEN
DEFNDT: SAM BERRI TOWING ATTY: YOUNG.WARD ATTORNEYS
Service Date/Type: 10/03/08 SUB 00/00/00

Tentative Ruling: There are motions pending. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 9/28/09.

4. 1:00 PM Case: CV32820 [S] COCHRAN v LA FLEUR
Type: CIVIL COMPLAINT Date Filed: 07/12/06
Priority Info: DESIGNATED PLAN 3
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLNTFF: COCHRAN, WAYNE ATTY: CHARTER, LAW OFFICE OF BRIAN
PLNTFF: MONSON, CORA ATTY: CHARTER, LAW OFFICE OF BRIAN
X/COMP: LAFLEUR, ROGER ATTY: MCNAMARA DODGE NEY BEATTY SLA
Service Date/Type: 08/09/06 PER Answer Date: 09/13/06
X/COMP: LAFLEUR, DONNA ATTY: MCNAMARA DODGE NEY BEATTY SLA
Service Date/Type: 08/09/06 PER Answer Date: 09/13/06
DEFNDT: SLONIKER CONSTRUCTION COMPANY
DEFNDT: SLONIKER ENGINEERING INC.
X-DEFT SLONIKER CONSTRUCTION INC. ATTY: REYNOLDS, GUY ESQ
Service Date/Type: 08/15/06 PER Answer Date: 09/18/06

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

5. 1:00 PM Case: CV33257 [S] KENNEDY v FORTINO
Type: QUIET TITLE Date Filed: 12/06/06
Event: FURTHER CASE MANAGEMENT CONFERENCE
RE JUDGMENT

PLF/XD: KENNEDY, HELEN L. ATTY: DUANE & SELTZER LLP
DEFNDT: ALBERT FORTINO CORPORATION ATTY: MCGRATH, JAMES A. ESQ
Service Date/Type: 00/00/00 Answer Date: 01/03/07
DEF/XC: FORTINO, ALBERT ATTY: MCGRATH, JAMES A. ESQ
Service Date/Type: 00/00/00 Answer Date: 01/03/07

Tentative Ruling: Plaintiff has filed a Notice of Settlement. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss pursuant to Cal Rules 3.1385 in Dept. 1A at 1:00 PM on 11/23/09.

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6. 1:00 PM Case: CV34995 [S] BROWN v TREADAWAY
Type: REAL PROPERTY Date Filed: 08/14/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

P/TRSTE BROWN, TEDDY ATTY: RUNTE, JOHN A. ESQ
AKA: BROWN, TEDDY JOSEPH
AKA: BROWN, TEDDY J
DEFNDT: TREADAWAY, MICHELLE AREE
Service Date/Type: 10/10/08 PER 00/00/00
AKA: TREADAWAY, MICHELLE

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 11/23/09.

7. 1:00 PM Case: CV34998 [S] ADAMS v TRIANO
Type: FRAUD Date Filed: 08/15/08
Priority Info: 170.3 JEM
Event: FURTHER CASE MANAGEMENT CONFERENCE

*PROCEEDINGS STAYED PENDING OUTCOME OF
PETITION TO ARBITRATE*

P/TRSTE ADAMS, SHIRLEY ATTY: FRANCK & ASSOCIATES
GDN/AL: ADAMS, SUSAN
DEFNDT: TRIANO, MICHAEL
Service Date/Type: 10/20/08 SUB 00/00/00
DEFNDT: TRIANO, ALISHA
Service Date/Type: 10/19/08 PER 00/00/00
DEFNDT: BERGHOUSE AND TRIANO DEVELOPMENT
DEFNDT: BERGHOUSE, JACK ATTY: LORMON, LAW OFFICES OF REG J.

Tentative Ruling: This matter is stayed pending contractual arbitration. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 1/25/10.

8. 1:00 PM Case: CV35277 [S] CASEY/KEATING v CASEY
Type: WRONGFUL DEATH - NMV Date Filed: 12/03/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases on this calendar: CV35278 ,
Related cases NOT on this calendar: F3557 , CV35279 , PR6704 ,
PLNTFF: CASEY, DANIEL ATTY: MELEYCO, KENNETH N. ESQ
PLNTFF: KEATING, KIM ATTY: MELEYCO, KENNETH N. ESQ
DEFNDT: CASEY, JANET PEGGY ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 12/30/08 SUB Answer Date: 04/20/09

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 11/23/09.

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9. 1:00 PM Case: CV35278 [S] KEATING v CASEY
Type: DAMAGES-NON TORT Date Filed: 12/03/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases on this calendar: CV35277 ,
Related cases NOT on this calendar: F3557 , CV35279 , PR6704 ,
PLNTFF: KEATING, KIM ATTY: MELEYCO, KENNETH N. ESQ
EXEC: EXECUTOR OF THE ESTATE OF FRAN
DEFNDT: CASEY, JANET PEGGY ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 12/30/08 SUB 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 11/23/09.

10. 1:00 PM Case: CV35769 [S] WELLS FARGO BANK v HART
Type: BREACH OF CONTRACT Date Filed: 05/28/09
Event: OSC RE: FILING COMPLIANCE

VACATE IF ALL POS/ANSWERS ARE FILED
10/19/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: WELLS FARGO BANK NA ATTY: SUPPA TRUCCHI & HENEIN LLP
DEFNDT: HART, LEONARD F
DEFNDT: HART, KORINE A

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

11. **1:30 PM** Case: CV35087 [S] HARWELL v HARWELL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/22/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: HARWELL, PEGGY ATTY: TEST, E. ALLEN ESQ
RESP: HARWELL, JEFFERY B
Service Date/Type: 10/31/08 PER 00/00/00

Tentative Ruling: This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/23/09.

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12. 1:30 PM Case: CV35186 [S] KINGERY v KINGERY
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/23/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35126 ,
PETNR: KINGERY, SUZAN ATTY: IN PRO PER
AKA: GIBBINGS, SUZAN
RESP: KINGERY, ROGER ATTY: IN PRO PER
Service Date/Type: 10/23/08 PER Answer Date: 11/17/08

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

13. 1:30 PM Case: CV35251 [S] BEARD v BEARD
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/19/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BEARD, REX R. ATTY: IN PRO PER
RESP: BEARD, DELORES K. ATTY: IN PRO PER
Service Date/Type: 11/26/08 PER Answer Date: 12/10/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/23/09.

14. 1:30 PM Case: CV35332 [S] COONCE v COONCE
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 12/22/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: COONCE, KEVIN ATTY: ALLEN, JOHN B ESQ
RESP: COONCE, JILL ATTY: HALLUM, KENNETH M. ESQ.
Service Date/Type: 12/24/08 PER Answer Date: 01/07/09

Tentative Ruling: This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). If no MSA is submitted, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/26/09.

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15. 1:30 PM Case: CV35333 [S] GREGORY v GREGORY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/22/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35616 ,
PETNR: GREGORY, DARRON G ATTY: IN PRO PER
RESP: GREGORY, DENISE C ATTY: FONDA, JAMES A ESQ
Service Date/Type: 12/24/08 PER Answer Date: 01/12/09

Tentative Ruling: Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/26/09.

16. 1:30 PM Case: CV35335 [S] NAVARRETTE v NAVARRETTE JR
Type: LEGAL SEPARATION WITHOUT MINOR Date Filed: 12/24/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: NAVARRETTE, CYNTHIA LOUISE ATTY: IN PRO PER
RESP: NAVARRETTE, RAY A JR ATTY: IN PRO PER
Service Date/Type: 12/25/08 PER Answer Date: 01/26/09

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/26/09.

17. 1:30 PM Case: CV35569 [S] ABDULGHANI v ABDULGHANI
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/23/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV35374 ,
PETNR: ABDULGHANI, ANGELA S. ATTY: IN PRO PER
RESP: ABDULGHANI, JOSEPH M.
Service Date/Type: 03/23/09 PER 00/00/00

Tentative Ruling: There is some indication the parties have reconciled. Should Petitioner wish to proceed in this matter the following orders apply. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. (Proof of service on file is incomplete) Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/25/10.

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18. 1:30 PM Case: CV35571 [S] NEWTON v ENGLAND
Type: NULLITY WITHOUT MINOR CHILDREN Date Filed: 03/23/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: F4544 ,
PETNR: NEWTON, TARA Y. ATTY: IN PRO PER
RESP: ENGLAND, DANIEL RAYMOND FERRALL

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. (Proof of service is incomplete) Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/28/09.

19. 2:00 PM Case: CV34814 [S] MORRISON v SNYDER
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 06/25/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV34949 ,
PETNR: MORRISON, TED ATTY: IN PRO PER
RESP: SNYDER, AMBER

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear. Failure to appear may result in dismissal of the case.

20. 2:00 PM Case: CV35541 [S] WILLIAMS v WILLIAMS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/11/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: WILLIAMS, ANTHONY KIRK ATTY: IN PRO PER
RESP: WILLIAMS, BONITA KAY
Service Date/Type: 03/26/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 10/26/09.

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21. **2:01 PM** Case: CV34427 [S] COUNTY OF CALAVERAS v BENITES
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 02/15/08
Event: CONT'D SETTLEMENT CONFERENCE AND REVIEW
OF VISITATION
MATTER SPECIALLY SET BY JUDGE PRO TEM

Related cases NOT on this calendar: CV35614 ,
PLNTFF: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
CUS.PAR KEESEE, SARAH M. ATTY: WEISBERG, MICHAEL ESQ
Service Date/Type: 02/22/08 MAI 00/00/00
DEFNDT: BENITES, BRIAN J. ATTY: BORDEN, MARK ESQ
Service Date/Type: 03/20/08 SUB 00/00/00

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

22. **2:30 PM** Case: CV33379 [S] SINGLETON v SINGLETON JR
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 01/30/07
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: SINGLETON, PATRICIA M ATTY: TRIFILO, JOHN J. ESQ
RESP: SINGLETON, DONN E JR ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 06/04/07 NAR Answer Date: 08/29/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

23. **2:30 PM** Case: CV34351 [S] BAPTISTA v BAPTISTA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/09/08
At-Issue Date: 00/00/00 Trial: 04/15/09 COURT TRIAL - SHORT CAUSE
Priority Info: CUSTODY/VISITATION BIFURCATED
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: BAPTISTA, WENDY ATTY: MOORE, ROBERT G. ESQ
MINOR: BAPTISTA MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: BAPTISTA, SHANE ATTY: WOOD, DARLENE D ESQ
Service Date/Type: 01/11/08 PER Answer Date: 02/08/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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24. 2:30 PM Case: CV34401 [S] SCAPUZZI v SCAPUZZI
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/06/08
Event: SETTLEMENT CONFERENCE-FAMILY LAW
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: SCAPUZZI, TENNILLE ATTY: IN PRO PER
INTVNR: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: SCAPUZZI, MICHAEL ATTY: COTTRELL, STEVEN J ESQ
Service Date/Type: 02/09/08 PER Answer Date: 06/05/08

Tentative Ruling: This matter was set for settlement conference at the parties' request contingent upon timely filing of the mandatory disclosures. No such disclosures have been timely filed, wherefore appearance is not required. Petitioner is ordered to serve and file a Preliminary and Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/26/09.

25. 2:30 PM Case: CV34589 [S] MEIERER v MEIERER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/14/08
Priority Info: STATUS ONLY; MSE 6/9/09
Event: SETTLEMENT CONFERENCE-FAMILY LAW
GRANT V. BARRETT, JUDGE PRO TEM
09/08/09 9:00 1 PETITIONER'S OSC RE CONTEMPT
CITEE: JOHN MEIERER

PETNR: MEIERER, SUSAN ATTY: HEADLEY, FRANCES A. ESQ
RESP: MEIERER, JOHN ATTY: VALEN, LAW OFFICES OF MARK
Service Date/Type: 04/20/08 PER Answer Date: 06/09/08

Tentative Ruling: This matter was set for settlement conference at the parties' request contingent upon timely filing of the mandatory disclosures. No such disclosures have been timely filed, wherefore appearance is not required. Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/26/09.

26. 2:30 PM Case: CV34689 [S] MCMILLIAN v MCMILLIAN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/12/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING ON
PET'S OSC-MODIF CUSTODY; RESP'S MOTION
TO COMPEL TRAILS

Related cases NOT on this calendar: CV34445 ,
PETNR: MCMILLIAN, KIM M. ATTY: FOLEY, LAW OFFICES OF KENNETH
MINOR: MCMILLIAN MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: MCMILLIAN, JACK W. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 05/24/08 PER Answer Date: 05/30/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

27. 2:30 PM Case: CV35409 [S] IRWIN v IRWIN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/23/09
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: IRWIN, JACOB M ATTY: BECHELLI, LAW OFFICES
RESP: IRWIN, JILLIAN K ATTY: CILENTI, STEVEN ESQ
Service Date/Type: 01/25/09 PER Answer Date: 03/20/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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